



TO: WIB Directors  
Single Points of Contact

FROM: Jeffrey L. Golc, Deputy Commissioner

DATE: May 1, 2001

SUBJECT: DWD Communication # 2000-32  
Assuring Access to Individuals with Disabilities  
In The One-Stop Environment

Frank O'Bannon, Governor  
Alan D. Degner, Commissioner

Dept. of Workforce Development  
Indiana Government Center South  
10 North Senate Avenue  
Indianapolis, IN 46204-2277  
Phone: 317/232-7670  
FAX: 317/233-4793  
TDD: 317/232-7560  
<http://www.workforce.IN.gov>  
An Equal Opportunity Employer

#### PURPOSE

To provide guidance on implementing the programmatic and physical access requirements for individuals with disabilities under section 504 of the Rehabilitation Act of 1973, as amended (section 504), the nondiscrimination and equal opportunity provisions (section 188) of the Workforce Investment Act of 1998 (WIA) and their implementing regulations.

#### RESCISSION

DWD Communication #97-25 and DWD Communication #W93P-4151

#### CONTENT

Section 188 and its implementing regulations, 29 CFR part 37, contain the regulatory requirements on accessibility to the workforce investment system for individuals with disabilities. While 29 CFR part 37 specifically address the workforce investment system, it incorporates section 504 by reference and includes standards contained in the American with Disabilities Act of 1990.

This policy guidance defines the requirements under the applicable mandates for meeting the assurances for providing access to individuals with disabilities. The requirement to ensure that qualified individuals with disabilities are not discriminated against in the workforce investment systems is applicable to the aids, benefits, services, or training that are provided directly by the One-Stops, as well as those operated or provided by another entity on behalf of the local workforce Investment area. The U. S. Department of Labor has contracted with the Disability and Business Technical Assistance Center (DBTAC) to provide any needed technical assistance to the One-Stop centers on meeting the standards for access for disabled individuals. The DBTAC for Region 5 may be contacted at (312) 413-1407 or e-mail address at [gldbtac@uic.edu](mailto:gldbtac@uic.edu).

#### **Who is covered?**

- ◆ Individual with a physical or mental impairment that substantially limits one or more of the major life activities of that individual;

- ◆ Individual who has a record of such an impairment;
- ◆ Individual who is regarded as having an impairment.

In the employment situation, an individual with a disability is covered under the laws if that individual is qualified with or without a reasonable accommodation and is capable of performing the essential functions of a specific job. With respect to training programs, an individual is a qualified individual with a disability if s/he meets the essential eligibility requirements for the receipt of such aid, benefits, services or training.

With respect to ensuring equal access to individuals with disabilities, the laws provide the following:

### **Prohibitions**

- ◆ Prohibits standards/procedures that have the purpose or effect of discrimination and/or have the purpose or effect of impairing WIA Title 1 objectives.
- ◆ Prohibits discrimination in employment and employment related training programs.
- ◆ Prohibits eligibility criteria that screen out individuals with disabilities, unless the criteria are necessary for the provision of service.

### **Requirements**

- ◆ Recipients may invite applicants for employment and services to indicate whether and to what extent they are disabled if the following information is provided orally or on any written questionnaire used for this purpose: (a) that the information requested is intended for use solely for its affirmative action efforts or for determining eligibility, (b) that the information is being requested on a voluntary basis, (c) that the information will be kept confidentially, and (d) that refusal to provide it will not subject the applicant to any adverse treatment.
- ◆ Recipients must ensure that all medical records are maintained confidentially and separately from other personnel files to ensure against unwarranted disclosure of the person's disability.
- ◆ Services and activities provided to individuals with disabilities must be provided in the most integrated setting.
- ◆ Recipients must make a reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of its program. Reasonable accommodation may include making facilities used by employees and clients readily accessible to and usable by individuals with disabilities, job restructuring, acquisition or modification of equipment or devices, the provisions of readers or interpreters, and other similar actions.
- ◆ For existing facilities, recipients must ensure that their services, programs, or activities, when viewed **in their entirety** are readily accessible to and usable by individuals with disabilities. In other words, a one-stop system does not have to make all of its facilities accessible **provided that all programs offered in inaccessible buildings are also available at other accessible sites in the service area, and that the accessible buildings are comparable in convenience to those available to persons without disabilities.**

- ◆ Recipients must provide reasonable modification to programs unless to do so would fundamentally alter the program or activity.
- ◆ Recipients must ensure that communication with individuals with disabilities is as effective as with others and that there is a telephone system that is equally effective for hearing impaired individuals, such as TTY/TDD or relay systems
- ◆ Recipients must also provide auxiliary aids, e. g. interpreters (without cost to the client) and ensure that individuals with disabilities who are interested in programs can obtain information.
- ◆ Recipients must ensure that proper signage is displayed in all areas accessed by the public.

BEGINNING DATE

Immediately

ENDING DATE

June 30, 2004

ACTION

WIB Directors and all other affected recipients must take action to ensure that the requirements as noted within this communication are implemented. For needed technical assistance, please do not hesitate to contact the Region 5 DBTAC at the number listed herein. Questions regarding this communication may be directed to Annette Biesecker at (317) 232-3268 or to Fay Stewart at (317) 232-7484.